

The Examiner has objected to the specification for the use of trademarks. While noting that trademarks are permissible in patent applications, the Examiner points out that the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely effect their validity as trademarks. It is submitted that the proprietary nature of the marks are respected in the present application and the marks are capitalized for this purpose. Applicant requests the Examiner to point out any specific instance where the manner in which a trademark is used is considered to be inappropriate.

Claims 33, 34, 39, 40 and 42-44 stand rejected under 35 U.S.C. §112, second paragraph, for the reasons stated in numbered paragraphs 7-9 of the Office Action. Claims 33, 39 and 43 have been canceled. Claims 34, 40, 42 and 44 have been amended to overcome this rejection.

Applicant notes that the Examiner has allowed claims 26-28 and has objected to claims 32 and 38 as being dependent upon a rejected base claim. Claims 32 and 38 have been written in independent form and thus are now in condition for allowance.

Claims 1-13, 16, 20-25, 29-31, 33-37 and 39-44 stand rejected under 35 U.S.C. §102 and §103 for the reasons set

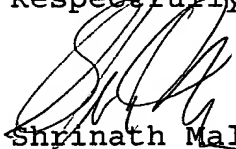
forth on pages 4-7 of the Office Action. These rejections are traversed as follows.

With respect to claim 20, the Examiner states that the fact that the encapsulation process is performed is for waterproofing is not explicitly recited in the claims. Therefore, claim 20 has been amended to specifically recite that the outer moisture transfer material is treated with encapsulation for waterproofing. It is submitted that this amendment renders claim 12 patentable over the cited art.

Independent claims 1, 8, 29, 33, 35 and 41 have been similarly amended. Therefore, it is submitted that these claims too patentably define the present invention over the cited art.

In view of the foregoing amendments and remarks, Applicants contend that the above-identified application is now in condition for allowance. Accordingly, reconsideration and reexamination are respectfully requested.

Respectfully submitted,



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Date: April 23, 2002



MARKED UP VERSION OF REWRITTEN CLAIMS



(Amended) A moisture transfer apparel to be worn by  
an individual comprising, on at least a portion of the  
apparel, a combination of layers constructed as follows:

a first layer, closest to the individual, the first layer  
being an inner moisture transfer material;

a second layer, abutting the first layer, including a  
foam material;

a third layer, abutting the second layer, including a  
breathable membrane; and

a fourth layer, abutting the third layer, the fourth  
layer being an outer moisture transfer material treated by  
encapsulation for waterproofing.

8. (Amended) A moisture transfer apparel to be worn by  
an individual comprising, on at least a portion of the  
apparel, a combination of layers comprising:

a first layer, closest to an individual, the first layer  
being an inner moisture transfer material;

a second layer, abutting the first layer, including a  
foam material; and

a third layer, abutting the second layer, the third layer being an outer moisture transfer material treated by encapsulation for waterproofing,

wherein the second layer includes a non-woven material attached to the foam material such that it is between the foam material and the third layer.

20. (Amended) A moisture transfer apparel comprising on at least a portion of the apparel, a combination of layers comprising:

a first layer, closest to an individual, the first layer being an inner moisture transfer material; and

a second layer, abutting the first layer, comprising an outer moisture transfer material that is treated with encapsulation for waterproofing.

25. (Amended) A moisture transfer apparel according to claim 8, wherein the foam material is treated to have reversible enhanced thermal properties.

29. (Amended) An apparel to be worn by an individual comprising:

an outer fabric layer treated by encapsulation for waterproofing;

a foam layer abutting the outer fabric; and  
a non-woven material attached to the foam layer such that the foam layer is located between the non-woven material and the outer fabric, wherein the foam layer is an open cell foam and is treated to have reversible enhanced thermal properties.

31. (Amended) An apparel to be worn by an individual comprising:

an inner [moister] moisture transfer material;  
an open cell foam treated to have reversible enhanced thermal properties abutting the inner moisture transfer material;  
a breathable membrane abutting the open cell foam;  
and

an outer moisture transfer material abutting the breathable membrane, the outer moisture transfer material being treated by encapsulation for waterproofing.

32. (Amended) An apparel [according to claim 31,]  
to be worn by an individual comprising:

an inner moisture transfer material;  
an open cell foam treated to have reversible enhanced thermal properties abutting the inner moisture transfer material;  
a breathable membrane abutting the open cell foam;

an outer moisture transfer material abutting the  
breathable membrane; and

wherein the outer moisture transfer material is an  
encapsulated cotton blend.

34. (Amended) An apparel according to claim 31 [32],  
wherein the [cotton blend] outer moisture transfer material is  
one of a group consisting of denim and chino fabrics.

36. (Amended) An apparel to be worn by an individual  
comprising:

an outer moisture transfer material which is treated  
by encapsulation for waterproofing; and

a cellular elastomeric composite which includes a  
hydrophilic open cell foam backed by a non-woven top sheet.

38. (Amended) An apparel [according to claim 37,]  
to be worn by an individual comprising:

an outer moisture transfer material;

a cellular elastomeric composite which includes a  
hydrophilic open cell foam backed by a non-woven top sheet;

wherein the foam is treated to have reversible  
enhanced thermal properties; and

wherein the outer moisture transfer material is an  
encapsulated cotton blend.

40. (Amended) An apparel according to claim 36 [38], wherein the [cotton blend] outer moisture transfer material is one of a group consisting of denim and chino fabrics.

41. (Amended) An apparel to be worn by an individual comprising:

an outer fabric layer which is treated by encapsulation for waterproofing;

a foam layer abutting the outer fabric; and

a non-woven material attached to the foam layer such that the foam layer is located between the non-woven material and the outer fabric layer, wherein the foam layer is treated with microencapsulation technology which can adjust to temperature changes.

42. (Amended) An apparel according to claim 41, wherein the outer fabric layer [moisture transfer material] is an encapsulated cotton blend.

44. (Amended) An apparel according to claim 41 [42], wherein the [cotton blend] outer fabric layer is one of a group consisting of denim and chino fabrics.